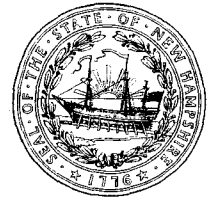




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

November 3, 2005

Frank and Lynne Richford  
141 Ragged Mountain Highway  
Alexandria, New Hampshire 03222

**CERTIFIED MAIL (7099 3400 0018 1290 6740)**  
**RETURN RECEIPT REQUESTED**  
**NOTICE OF PAST VIOLATION**

**RE: Improper Asbestos Removal at 268 Borough Road in Hill, New Hampshire**

Dear Mr. and Ms. Richford:

On March 17, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a telephone call from Mr. Doug Miner of the New Hampshire Department of Resources and Economic Development, Forest and Land Division ("DRED"). Mr. Miner reported that there was illegal open burning of a two-story building owned by you, located at 268 Borough Road, Hill, New Hampshire (the "Property"). Mr. Miner was informed of the illegal burning from the Hill Fire Department ("the Fire Department"), who reported a structure/demolition fire that they had responded to. Mr. Alan Thurston and Mr. Mike Combra were the Hill fire fighters that reported to the Property.

Mr. Thurston contacted DES that same day to explain the illegal burning of shingles and other non-conforming materials at the Property by an unknown property owner. Mr. Thurston informed DES that the property owner had burned the prior week and the day before. The two-story building had been burned and reduced to rubble. Only a dumpster could be observed in front of what used to be the building. All of the non-conforming material was left in the cellar hole and in the surrounding area.

On March 18, 2005, DES personnel went to the Property in order to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1001, *Opening Burning*, and Env-A 1800, *Asbestos Management and Control*. DES personnel met with Mr. Thurston and Mr. Combra, inspected the Property, and took photographs of the demolition activity. Partially burned metal objects, tires, and other non-conforming materials were seen at the Property.

DES personnel proceeded to the address that was listed on the assessor's record as being the owner's place of residence. Upon arrival at 141 Ragged Mountain Highway in Alexandria, New Hampshire, Mr. Thurston knocked on the door, but it appeared that no one was home.

DES personnel then met with your son-in-law, Mathew Paterson, regarding the illegal burning that was conducted at the Property. During the conversation, Mr. Paterson acknowledged that he was the one that demolished and burned the two-story building.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on March 18, 2005. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1001.

- Env-A 1001.03(k) defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.
- Env-A 1001.04(d) prohibits the open burning of non-conforming materials.
- Env-A 1001.07 provides that no tires, tubes, or any portion thereof shall be burned in the ambient air at any place in the state for any reason.
- Env-A 1803.03 requires a property owner or operator to provide written notification to DES and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification is required regardless of the amount of asbestos, if any, that is contained in the facility. DES was never notified of the demolition plans.
- Env-A 1804.01 requires that before undertaking any demolition, the owner or operator shall provide for an inspection, by a person trained in identifying asbestos, of the affected portion(s) of the facility for the presence of asbestos containing materials.

No further action related to the listed violations is required. However, please be advised that if the presence of asbestos is suspected, an inspection for asbestos should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of asbestos containing materials and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373.

Sincerely,

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/ems

Enc.: Env-A 1800  
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1  
G. Hamel, DES Legal Unit Administrator  
R. Berry, DES-WMD  
A. Thurston, Town of Hill Fire Fighter  
M. Combra, Town of Hill Fire Fighter  
B. Simpkins, DRED